REMARKS

In response to the Restriction Requirement, Applicants hereby elect, with traverse, to prosecute Group II, which includes claims 3, 5-6, 8, 11, 12 and 14-17 and is drawn to an antibody. Applicants reserve the right to prosecute the non-elected subject matter of claims in subsequent divisional applications.

Applicants submit that the invention encompassed by the claims of Group II (drawn to antibody) could be examined at the same time as the inventions encompassed by the claims of Groups III-VIII. For example, a search of the prior art to determine the novelty of the antibody of the invention would provide information regarding the novelty of the polypeptide. A proper search required to determine the novelty of polypeptide would substantially overlap with a search of the prior art to determine the novelty of antibodies against the polypeptides.

Further, Applicants submit that claims substantially corresponding to the pending claims have already been examined and allowed in the ancestor applications. The allowed claims are as follows:

US 6,228,991

1. A purified polypeptide comprising the amino acid sequence of SEQ ID NO: 1.

2. A purified polypeptide having at least 90% amino acid sequence identity to SEQ ID NO: 1, and which retains trypsin inhibitory activity.

3. A composition comprising the polypeptide of claim 1.

4. A method for using a protein to screen a plurality of other molecules or compounds for a molecule or compound which specifically binds the protein, the method comprising:

(a) combining the protein of claim 1 with the of molecules or compounds under conditions suitable to allow complex formation; and

(b) detecting complex formation, wherein the presence of the complex identifies a molecule or compound which specifically binds the protein.

5. The method of claim 4, wherein the molecule or compound is selected from the group consisting of inhibitors, peptides and antibodies.

6. A method of using a protein or a fragment thereof to purify a molecule or compound which specifically binds the protein from a sample, the method comprising:

a) combining the protein or a fragment thereof of claim 1 with a sample under conditions to allow specific binding;

b) recovering the bound protein; and

c) separating the protein from the molecule or compound, thereby obtaining purified molecule or compound.

US 6,001,596

1. An isolated and purified polynucleotide encoding a polypeptide consisting of the amino acid sequence of SEQ ID NO:1 or a fragment of SEQ ID NO:1 having trypsin inhibitory activity.

2. An isolated and purified polynucleotide encoding a polypeptide having trypsin inhibitory activity which hybridizes to the polynucleotide of claim 1 at 42.degree. C. in 250 mM NaCl, 25 mM trisodium citrate, 1% SDS, 50% formamide and 200 .mu.g/ml denatured salmon sperm DNA.

3. An isolated and purified polynucleotide which is fully complementary to the polynucleotide of claim 1.

4. An isolated and purified polynucleotide consisting of the polynucleotide sequence of SEQ ID NO:2 or a fragment of SEQ ID NO:2 from about nucleotide 982 to about nucleotide 1011.

5. An isolated and purified polynucleotide having a sequence fully complementary to the polynucleotide of claim 4.

6. An expression vector comprising the polynucleotide of claim 1.

7. A host cell comprising the expression vector of claim 6.

8. A method for producing a polypeptide consisting of the sequence of SEQ ID NO:1 or a fragment of SEQ ID NO:1 having trypsin inhibitory activity, the method comprising the steps of:

(a) culturing the host cell of claim 7 under conditions suitable for the expression of the polypeptide; and

(b) recovering the polypeptide from the host cell culture.

9. A method for detecting a polynucleotide encoding a polypeptide comprising the amino acid sequence of SEQ ID NO:1 in a biological sample containing nucleic acids, the method comprising the steps of:

(a) hybridizing the polynucleotide of claim 3 to at least one of the nucleic acids of the biological sample, thereby forming a hybridization complex; and

(b) detecting the hybridization complex, wherein the presence of the hybridization complex correlates with the presence of a polynucleotide encoding the polypeptide in the biological sample.

10. The method of claim 9 wherein the nucleic acids of the biological sample are amplified by the polymerase chain reaction prior to the hybridizing step.

Group I and III-VIII are thus drawn to substantially the same polypeptide invention as previously allowed in the divisional application but are of a different scope from the previously allowed claims. Claim 4 is drawn to a test based on the expression of the peptide GAPIP, claims 7 and 9 are drawn to a method of diagnosing, claims 10 and 13 are drawn to a method of preparing antibodies, claim 18 is drawn to a method of detection of a polypeptide, and claim 19 is drawn to a method of purifying the polypeptide substantially related to the polypeptide claims already issued, and should be examined together, since there would appear to be minimal additional burden on the Examiner to examine the method claims in addition to the antibody

claims elected in the present application, particularly in view of the searches and examination which were already conducted with respect to the previously issued claims and the additional burden on Applicants to file, prosecute and maintain yet another application in this family. Applicants therefore respectfully request the Examiner to consider claims of Group III-VIII.

Moreover, Groups V and VI claims are "method of making" claims which depend from antibody claim 3 of Group II. Therefore, upon allowance of Group II claims, the method of making claims of Group V and VI should be rejoined and considered together, in accordance with the Commissioner's Notice in the Official Gazette of March 26, 1996, entitled "Guidance on Treatment of Product and Process Claims in light of *In re Ochiai, In re Brouwer* and 35 U.S.C. § 103(b)" which sets forth the rules, upon allowance of product claims, for rejoinder of method claims covering the same scope of products.

Applicants believe that no fee is due with this communication. However, if the USPTO determines that a fee is due, the Commissioner is hereby authorized to charge Deposit Account No. **09-0108.**

Respectfully submitted,

INCYTE GENOMICS, INC.

Date: 13 March 2002

Diana Hamlet-Cox
Reg. No. 33,302
Direct Dial Telephone: (650) 845-4639

Date: March 13, 2002

Sreenivasarao Vepachedu
Reg. No. 46,395
Direct Dial Telephone: (650) 845 -5735

3160 Porter Drive
Palo Alto, California 94304
Phone: (650) 855-0555
Fax: (650) 849-8886